

REMARKS

Claims 25-58 are pending in the application. Originally filed claims 1-24 were canceled by preliminary amendment. Claims 25-58 were added by previous preliminary amendment. No claim has been amended herein. Claims 25-58 are subject to a restriction requirement.

RESTRICTION REQUIREMENT

In response to the Restriction Requirement of January 22, 2007, Applicants timely filed a Response on June 21, 2007, provisionally electing Group I, as set forth in claims 25-35 and 37, with traverse. The Restriction Requirement also required Applicants to elect a species from each of: i) an amphiphilic material (claims 34 and 35), ii) a second fluid (claims 33 and 35), and iii) a first fluid (claims 28-32 and 35). Without conceding that the claims in the three categories were not patentably distinct, Applicants provisionally elected the following species for each of the respective categories: i) non-ionic surfactants, ii) hydrocarbons, and iii) polar substances. Applicants also provisionally elected the species “acryl amide” for the polymerizable substance of claims 30 and 32.

The August 15, 2007 communication alleges that Applicants’ June 21, 2007 election of “polar substances” for the category of “first fluid” was not fully responsive to the pending Restriction Requirement. While not conceding that any of the first fluid species recited in the specification or claims 28-32 and 35 are patentably indistinct, Applicants provisionally elect “water” as a first fluid species.

Further, while the August 15, 2007 communication does not specifically require further restriction of a single species in each of the categories of amphiphilic material and second fluid, the communication establishes a presumption that “octaethylene glycol monododecyl ether” and “ethane” are elected, respectively. While not conceding that any of the amphiphilic species and/or second fluid species are patentably indistinct, and only to the extent necessary to expedite prosecution, Applicants provisionally elect “octaethylene glycol monododecyl ether” as the amphiphilic material, and “ethane” as the second fluid.

The claims readable on “octaethylene glycol monodedecyl ether” are 25, 34-36, and 54-56. The claims readable on “ethane” are 25, 27, 33, 35-36, 38-45, 53, and 55-56. The claims readable on “water” are 25-28, 35-38, 45-46, and 55-56. The claims readable on “acryl amide” are 29-32 and 47-50. Applicants note that, upon allowance of a generic claim, Applicants will be entitled to consideration of additional species that are written in dependent form or otherwise include all limitations of an allowed generic claim, as provided by 37 C.F.R. 1.141.

CONCLUSION

Applicants await an action on the merits. Should the Examiner have any questions regarding this response, the Examiner is encouraged to contact the undersigned at the telephone number and address listed below.

A one-month statutory period was set for response nominally ending September 15, 2007. Also enclosed herewith is a Request for One-Month Extension of Time, which extends the due date to October 15, 2007. Therefore, this paper is timely.

Payment in the amount of \$60.00 for the One-Month Extension of Time for a small entity is enclosed herewith. The payment is to be charged to a credit card and is authorized by the signed, enclosed document entitled: Credit Card Payment Form PTO-2038. No further fee is believed due; however, the Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. 14-0629.



ATTORNEY DOCKET NO. 04156.0016U1
APPLICATION NO. 10/540,462

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CERTIFICATE OF MAILING

I hereby certify that this correspondence and any documents referenced herein as being enclosed herein are being deposited with the United States Postal Service in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below.

Mitchell A. Katz

September 20, 2007

Date